

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRAD SIMENZ, Individually and as a putative
representative of a class,

Plaintiffs,

v.

Case No._____

AMERIHOME MORTGAGE COMPANY, L.L.C.,

Defendant.

NOTICE OF REMOVAL

TO: Jay A. Urban
Urban Taylor Law Building
4701 North Port Washington Road
Milwaukee, WI 53212

The Honorable David A. Hansher
Branch 42
Milwaukee County Courthouse
910 North Ninth Street
Milwaukee, WI 53233-1425

PLEASE TAKE NOTICE that the Defendant, by its attorney, Quarles & Brady LLP, hereby removes this case to the United States District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. § 1453 as federal courts have original jurisdiction over this putative class action pursuant to the Class Action Fairness Act of 2005 (codified in relevant part at 28 U.S.C. § 1332(d)), and because the other prerequisites of removal are satisfied. Defendants further states as grounds for removal the following:

1. A civil action, designated as Case No. 07-CV-5931, has been commenced and is pending in the Circuit Court, Milwaukee County, State of Wisconsin, with Brad Simenz as Plaintiff, and Amerihome Mortgage Company, LLC as Defendant.
2. The Summons and Complaint in Case No. 07-CV-5931 was filed on May 22, 2007, and was served on Defendant on May 30, 2007. Copies of all process, pleadings and orders served on Amerihome Mortgage Company, L.L.C., are attached hereto as Exhibit A.
3. Thirty days have not expired from the date Defendant received service of the Summons and Complaint in Case No. 07-CV-5931.
4. Pursuant to Wis. Stat. § 803.08, Plaintiff in his Complaint alleged claims on behalf of a putative class, and seeks to represent a putative class consisting of a nationwide class, and more specifically "all persons who, within six (6) years prior to the date of commencement of this action, closed a mortgage loan with Amerihome and were charged a MERS Registration Fee in connection with a mortgage loan secured by property within the State of Wisconsin."
5. Case No. 07-CV-5931 is a thus civil action over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1332(d)(2), because, as of the date of the filing of the Complaint:
 - (i) Plaintiff, a citizen of the State of Wisconsin, purports to represent a nationwide class of Plaintiffs wherein one or more members of the proposed class is a citizen

of a State different from that of the membership interest holders of the Defendant, a limited liability company;

(ii) Defendant Amerihome Mortgage Company, L.L.C. is a limited liability company with three members, including Nicholas Del Torto, an individual citizen of Wisconsin, Kerry Pastore, an individual citizen of Illinois, and Peter Georgetsis, an individual citizen of Illinois; and

(iii) by aggregating the claims of the individual class members of the proposed class, upon information and belief, the amount in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs

(iv) contrary to the allegations of the Complaint, and based upon the business records of Defendant, substantially less than two-thirds of proposed class members are citizens of the State of Wisconsin.

6. Defendant has filed a copy of this Notice with the clerk for the Honorable David A Hansher, Milwaukee County, State of Wisconsin, as required by 28 U.S.C. § 1446(d), and has served a copy of the Notice upon counsel for the Plaintiff.

WHEREFORE, Defendant requests that No. 07-CV-5931 be removed from the Circuit Court, Milwaukee County, State of Wisconsin and into this Court for trial and determination.

Dated this 29th day of June, 2007.

MATTHEW J. FLYNN
ANDREW P. BEILFUSS

/s/ Andrew P. Beilfuss

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